

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 4 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 4 is directed towards computer programs per se which do not fall into any of the statutory classes.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (US PG Pub No. 2003/0097655), in view of Florin et al (US Patent No. 5,621,456), further in view of Jaff et al (US Patent No. 7,281,261).

Regarding claim 1, Novak et al teaches a system for effecting a transaction, including a head-end [110], a communications network [101], a subscriber secure device [410],

a receiver [102], capable of receiving digital information (i.e. digital signals), including content data from the head-end [110] through the network [101], and of making the content data available to a user on a display device [104], which receiver further includes an interface [305] to the subscriber secure device [410], the first code uniquely identifying the subscriber secure device [410]. (Figures 1 and 4; Paragraphs 0052-52, 0074, 0082 and 0087) However, the reference is unclear with respect to the receiver is programmed to make a first code available on the display device, and wherein no return channel is available between the head-end to the receiver, a transaction server, a client secure device, and a terminal being communicatively linked to the transaction server, wherein the terminal comprises a user interface for entering the first code, wherein the terminal is arranged to create a transaction token from the entered first code in co-operation with the client secure device, and wherein the terminal is arranged to transmit the transaction token to the transaction server for ordering a product independently of transmission of the product from the head-end to the receiver.

In similar field of endeavor, Florin et al teaches the receiver is programmed to make a first code [425] available on the display device [180]. (Figures 1, 40 and 41; Col.23 lines 25-55) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Novak for the purpose of allowing user to enter the personal Identification number in order to securely order program/content.

In similar field of endeavor, Jaff et al teaches wherein no return channel is available between the head-end [50] to the receiver [22] (Figure 4; Col. 8 line 41 – Col.9 line 6), a transaction server [42], a client secure device, and a terminal [44] being

communicatively linked to the transaction server (Figure 3), wherein the terminal [44] comprises a user interface for entering the first code (Col.7 lines 43- 58), wherein the terminal [44] is arranged to create a transaction token from the entered first code in co-operation with the client secure device, and wherein the terminal [44] is arranged to transmit the transaction token to the transaction server [42] for ordering a product independently of transmission of the product from the head-end to the receiver (i.e. user is able to program STB through authentication server 42) (Col.6 lines 61-67, Col.7 lines 1-17, Col.7 line 67- Col.8 lines 3). Therefore, it would have been obvious one to one of ordinary skill in the art at the time the invention was made to modify Novak et al and Florin et al, the combination for the purpose of allowing users to order content using wireless device without the necessity of having a PC/permanent land-line telephone connection to the subscriber's television receiver.

Regarding claim 2, Novak et al teaches a method of enabling a transaction, in a system including a head-end [110], a communications network [101], and a receiver [102] (Figure 1), the method comprising:

receiving digital information (i.e. digital signals) at the receiver [102], the digital information including content data, wherein the digital information is received from the head-end [110] through the network [101], making the content data available to the user, wherein the receiver further includes an interface [305] to the subscriber secure device [410] and wherein the first code uniquely identifies the secure subscriber device. (Figures 1 and 4; Paragraphs 0052-52, 0074, 0082 and 0087) However, the reference is unclear with respect to transaction server, wherein no return channel is available from

the receiver to the head-end, making a first code available to the user on the display device of the receiver, receiving the first code at a terminal and creating a transaction token using the first code and in co-operation with a client secure device, transmitting the transaction token to the transaction server for ordering a product independently of transmission of the product from the head-end to the receive.

In similar field of endeavor, Florin et al teaches making a first code [425] available to the user on the display device [180] of the receiver. (Figures 1, 40 and 41; Co1.23 lines 25-55) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Novak for the purpose of allowing user to enter the personal Identification number in order to securely order program/content.

In similar field of endeavor, Jaff et al teaches transaction server [42], wherein no return channel is available from the receiver [22] to the head-end [50] (Figure 4; Col. 8 line 41 – Col.9 line 6), receiving the first code at a terminal and creating a transaction token using the first code and in co-operation with a client secure device, transmitting the transaction token to the transaction server for ordering a product independently of transmission of the product from the head-end to the receive (i.e. user is able to program STB through authentication server 42) (Col.6 lines 61-67, Col.7 lines 1-17, Col.7 line 67- Col.8 lines 3). Therefore, it would have been obvious one to one of ordinary skill in the art at the time the invention was made to modify Novak et al and Florin et al, the combination for the purpose of allowing users to order content using wireless device without the necessity of having a PC/permanent land-line telephone connection to the subscriber's television receiver.

Regarding claim 3, Novak, Florin and Jaff, the combination teaches everything claimed (see claim 2). The combination teaches a second code, identifying the product to be ordered, and included in the content data, is made available to the user on the display device (Novak: Figure 6; Paragraphs 0082, 0087, 0112; Florin: Figures 37-41; Col.23 lines 14-55).

Claim 4 is rejected as previously discussed with respect to claims 1 and 2. In addition, Novak, Florin and Jaff, the combination teaches a computer program, when run on a system to enable the system to execute a method of enabling a transaction in the system (Novak: Paragraphs 0052-53, 0074-75, 0079 and 0082).

Claim 5 is rejected as previously discussed with respect to claims 1 and 2. Regarding claim 6, Novak, Florin and Jaff, the combination teaches everything claimed (see claim 5). The combination teaches a subscriber secure device, suitable for use in a system according to claim 5, wherein the subscriber secure device includes a further identification code, and is arranged to calculate the first code by encrypting the further identification code (Novak: Paragraph 0074).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:00 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Examiner, Art Unit 2427

Application/Control Number: 10/655,943

Page 8

Art Unit: 2427

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427